

REMARKS/ARGUMENTS

Claims 41-74 are active in this application. Claims 41-59 are drawn to the elected subject matter. With respect to Claims 60-74, Applicants request that these claims be rejoined to the elected claims upon finding that the elected claims are allowable (see M.P.E.P. § 821.04).

Support for these claims is found in original Claims 1-40 and the specification as originally filed. The application has been amended to provide a substitute Sequence Listing for the sequences found on page 25. Table 3 is amendment to correct a typographical error, which is clear from the experiment description supporting Table 3. Sequence identifiers have been added to the specification and the sequence information recorded in the corresponding computer-readable Sequence Listing is identical to the paper copy of the substitute Sequence Listing attached hereto.

No new matter is added by these amendments.

The rejection of Claims 1-3, 5, 6 and 21 under 35 U.S.C. § 112, first paragraph (written description) is obviated by the cancellation of the claims.

The claims as presented herein are directed to an isolated polynucleotide comprising either a polynucleotide which encodes a polypeptide comprising amino acid sequence of SEQ ID NO: 2 or polynucleotide which hybridizes under stringent conditions to the complement of all SEQ ID NO: 1 encoding a protein with O-acetylhomoserine sulfhydrylase activity. The hybridization conditions are described on page 9 of the application. The application describes the nucleotide sequence of SEQ ID NO:1.

Withdrawal of this ground of rejection is requested.

Similarly, the rejection of Claims 1-3, 5, 6 and 21 under 35 U.S.C. § 112, first paragraph (enablement) is obviated by the cancellation of these claims.

As duly noted by the Office of the specification is enabling for the polynucleotide which encodes a protein having the amino acid sequence of SEQ ID NO: 2. Similarly, the specification also enables the polynucleotide which hybridizes under stringent conditions to the complement of SEQ ID NO: 1 and encodes a protein with the same activity. Again, Applicants note that the stringent hybridization conditions are set forth on page 9 and are also included in, for example, Claim 41.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 1, 2, 5 and 6 under 35 U.S.C. § 102(a) over Hwang et al. is obviated by the cancellation of the claims. Similarly, the rejection of Claims 3 and 21 under 35 U.S.C. § 103(a) over Hwang et al. is obviated by the cancellation of these claims.

Nonetheless, the claims are not anticipated by nor rendered obvious by Hwang et al. Hwang et al. was published January 17, 2001 whereas the present application claims priority to German Application 10043334.0 filed on September 2, 2000. As the Office has already acknowledged Applicants' claim to priority (see page 7 of the Official Action), Hwang et al. is not believed to be available prior art against the present application. Therefore, withdrawal of the rejections over Hwang et al. is requested.

Concerning the rejections under 35 U.S.C. § 102(b) and 103(a) over Park et al., these rejections have been obviated by the cancellation of these claims.

Park et al. does not describe or suggest the polynucleotide encoding SEQ ID NO: 2 or a polynucleotide which hybridizes to the complement of SEQ ID NO: 1 under stringent conditions as claimed. Therefore, withdrawal of the rejections in view of Park et al. is requested.

Applicants note that while an abstract exists on page 46, a substitute abstract has been provided herewith.

The objections to Claims 1, 5, 7 and 21 are obviated by the cancellation of the claims.

Application No. 09/919,932  
Reply to Office Action of July 15, 2003

The rejection of Claims 1-7 and 21 under 35 U.S.C. § 112, second paragraph has been obviated by the cancellation of these claims.

Applicants request a consideration of the information disclosure statements filed on November 16, 2001 and reference AA in the IDS filed February 11, 2002. Copies of those PTO form 1449 are attached for the Examiner's convenience.

Applicants also request that this application now be passed to issuance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Jean-Paul Lavalleye  
Attorney of Record  
Registration No. 31,451

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

Daniel J. Pereira, Ph.D.  
Registration No. 45,518